

**FAEGRE & BENSON LLP**

3200 WELLS FARGO CENTER, 1700 LINCOLN STREET  
 DENVER, COLORADO 80203-4532  
 TELEPHONE 303-607-3500  
 FACSIMILE 303-607-3600  
[www.faegre.com](http://www.faegre.com)

RECEIVED  
 CENTRAL FAX CENTER

JUL 09 2004

**OFFICIAL**

**FACSIMILE TRANSMISSION**

FROM: Denise Voris for Michael A. DeSanctis, Reg. No. 39,957      TELEPHONE: 303/607-3500

DATE: July 9, 2004      TIME: 1:45 p.m. (Denver)

NUMBER OF PAGES (including this page): 4

F&B FILE: 297788

REC: 0025

TO: Commissioner for Patents      TELEPHONE:  
 FAX: 703-872-9306

**MESSAGE****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket No.: 74120-301396 (formerly 12128-064001)

Application No.: 09/982,721

Filed: 10/18/2001

Applicant(s): Michael G. Slocombe et al.

Title: CONTENT REQUEST AND LOAD BALANCING FOR CONTENT DISTRIBUTION NETWORKS

Examiner: Follansbee, John A.

Group Art Unit: 2154

Confirmation No.: 8719

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

I hereby certify that this (1) Transmittal Form, and (2) Combined Power of Attorney and Revocation of Prior Power by Assignee of Entire Interest and Submission, including a Change of Correspondence Address for a Patent, are being facsimile transmitted to the United States Patent and Trademark Office Fax. No. (703) 872-9306 on July 9, 2004.

Denise E. Voris

(Typed or Printed Name of Person Signing Certificate)

Denise E. Voris

(Signature)

DNVR1.6027110701

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL DENISE VORIS AT 303-607-3759.

THIS TELECOPY IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND THANK YOU.

PAGE 1/4 \* RCV'D AT 7/9/2004 3:44:44 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/1 \* DNI:8729306 \* CSID:3036073600 \* DURATION (mm:ss):01:32

**BEST AVAILABLE COPY**

PATENT  
Attorney Docket No.: 74120-301396  
(Formerly 12128-064001)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b> Michael G. Slocombe et al. <b>Application No.:</b> 09/982,721 <b>Filed:</b> 10/18/2001 <b>For:</b> CONTENT REQUEST AND LOAD BALANCING FOR CONTENT DISTRIBUTION NETWORKS	<b>Examiner:</b> John A. Follansbee <b>Art Unit:</b> 2154 <b>Confirmation No.:</b> 8719
--	---

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO THE USPTO OR DEPOSITED WITH THE U.S.  
POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN  
AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE SHOWN  
BELOW.

Denise E. Vavis 7/9/04  
Signature Date

### COMBINED POWER OF ATTORNEY AND REVOCATION OF PRIOR POWER BY ASSIGNEE OF ENTIRE INTEREST AND SUBMISSION UNDER 37 C.F.R. §§ 3.71 AND 3.73(b)

Sir:

As an officer of Level 3 Communications, Inc. ("assignee"), I hereby certify that the assignee is the owner by assignments of the entire right, title, and interest in and to the patent application identified above by virtue of either:

- A.  [ ] The assignment(s) from the inventor(s) of the patent application identified above,  
 [ ] 1. a copy of which is attached; or  
 [ ] 2. which is recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, a copy of which is attached.

OR

- B.  [ X ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

**BEST AVAILABLE COPY**

Application No.: 09/982,721  
Page 2

1. From: Michael G. Slocombe, Vincent A. Fuller, Matthew Miller and Casey Ajalat To: Genuity, Inc.

The document was recorded in the U.S. Patent and Trademark Office at Reel 012951, Frame 0535, or for which a copy thereof is attached.

2. From: Genuity, Inc. To: Level 3 Communications LLC

The document was recorded in the U.S. Patent and Trademark Office at Reel 014324, Frame 0285, or for which a copy thereof is attached.

3. From: Level 3 Communications LLC To: Level 3 Communications, Inc.

The document was recorded in the U.S. Patent and Trademark Office at Reel 014653, Frame 0859, or for which a copy thereof is attached.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the captioned application is to be conducted to the exclusion of the inventors.

The undersigned (whose title is supplied below) is authorized and empowered to sign this statement on behalf of the assignee.

**REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND NEW POWER OF ATTORNEY**

As assignee of record of the entire right, title, and interest in the above-identified patent application per the Statement under 37 C.F.R. §§ 3.71 and 3.73(b), all powers of attorney previously given are hereby revoked, and I hereby appoint the registered patent attorney(s) and/or agent(s) of **FAEGRE & BENSON LLP**, associated with **Customer No. 35657**, to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith.

Please note the new Attorney Docket No.: 74120-301396.

Send all correspondence relating to this matter to:

**CUSTOMER NO. 35657**  
Michael DeSanctis  
**FAEGRE & BENSON LLP**  
3200 Wells Fargo Center  
1700 Lincoln Street  
Denver, CO 80203-4532

Application No.: 09/982,721  
Page 3

Direct all telephone calls to Michael DeSanctis at (303) 607-3633.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

LEVEL 3 COMMUNICATIONS, INC.

By:   
Name: Dale C. Martin  
Title: VP - Legal  
Date: 7/6/04

DNVR1 60258172 01